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The Town of Monson TOWN CLERK, MONSON, MA  
Zoning Board of Appeals  
110 Main Street  
Monson, MA 01057

413-267-4111  
Fax 267-4108

**MEETING MINUTES THURSDAY, AUGUST 26, 2021 7:00 PM  
TOWN OFFICE BUILDING, SELECTBOARD MEETING ROOM  
110 MAIN STREET, MONSON**

The listings of matters are those reasonably anticipated, by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Members Present : David Beaudoin, David Jarvis, Theresa Martin, Tere Hrynkiw, Ronald Fussell (7:04pm)

Clerk : Penny Gustafson

Meeting is called to Order at 7:00pm

This Meeting was recorded and aired by MPact Television.

On the appeal of the Monson Zoning Enforcement Officer's decision for James O'Connell of 1F Whitney Ave Monson, MA to keep honey bees on his parcel. The appeal was filed by Roxanne Gunther of 69 May Hill Rd., Monson, MA. There was further discussion that included but was not limited to:

Tere Hrynkiw read the Legal Notice that was run in the Newspaper.

David Beaudoin made a statement that we are on MPACT and currently being recorded by someone else. David Beaudoin read a legal statement as follows:

*"In regard to the public hearing scheduled for tonight, August 26, 2021, regarding the appeal of Roxanne Gunther to the Monson Zoning Enforcement Officer's decision for James O'Connell relative to the keeping of bees on his parcel of land located at 1F Whitney Avenue, Monson, MA. Massachusetts General Laws Chapter 40A, s.11 requires the publication of the public hearing notice in a newspaper of general circulation within the Town once in each of two successive weeks, the 1<sup>st</sup> publication to be not less than 14 days before the hearing. Unfortunately the 2<sup>nd</sup> publication that was supposed to occur on 8/19/2021 was not run by the newspaper – it was the newspapers error. As a result, the hearing needs to be rescheduled due to the error in the publication and notice republished and resent to all interested parties in accordance with the law."*

Tere Hrynkiw made motion – to reschedule the Public Hearing regarding the appeal of Roxanne Gunther to the Monson Zoning Enforcement Officer's decision for James O'Connell relative to the keeping of bees on his parcel of land located at 1F Whitney Avenue, Monson, MA to September 23rd, 2021 due to the failure of the publication of the applicable legal notice as previously stated. David Jarvis 2<sup>nd</sup> the motion. All in favor 5-0. No Discussion

Annual Renewal for the Magic Lantern. Attorney Desantos was present to represent the Magic Lantern. David Beaudoin explained it is the responsibility of the Magic Lantern to apply for the permit yearly and that they have been notified by the board during this Public Hearing. There was further discussion that included but was not limited to:

- If the Magic Lantern fails to renew on time yearly going forward they will have to have a Public Hearing.
- The Board gave them leniency due to the Covid-19 Pandemic.
- The Magic Lantern will have to renew in January of 2022 and every January thereafter.

Informal Discussion 480 Boston Road West - They are looking to relocate their construction business to this location. Improve the site with a 7,200 +/- sf garage building, possibly a small general office, and associated utilities and finishes. Prior to purchasing the property. Engineering & Land Solutions, Inc. 480 Boston Road West (parcel 1-6). There was further discussion but not limited to:

- This under a dual review of the Planning Board & Zoning Board
- There is a current Purchases and Sales agreement in place
- The proposal is for a Construction site
- The site is 20 ft below the road so the lighting would not affect anyone on Boston Road
- Detour Construction would be going onto this location
- Would have to get state DOT approval for the entrance, the entrance is in Palmer.
- They will be reducing the size of the entrance.
- The Correct address is 460 Boston Road

David Jarvis asked if there will be storage of vehicles in the winter. Michael Petrise said that there will be 5 to 15 vehicles.

David Jarvis asked about the setbacks and the location of the railroad. Michael Petrise said the railroad is approximately 100 feet away from the property line. David suggested that they check with the Railroad.

Tere Hrynkiw asked for a site visit, and would like to look at it more before making a decision. Michael Petrise agreed and said that a site visit is not a problem. David Jarvis said that at some point the Board would need to do an official site survey.

Theresa is concerned because we get a lot of complaints about businesses that make noise. Michael Petrise said most of the work is construction throughout the state not on site. David Beaudoin asked about the maintenance on the vehicles and the drainage area. Michael Petrise said that there will be an oil/water separator through the Building Codes.

The Board doesn't have any concerns with the project however they will do a site visit and would have receive a Formal request for the project to be voted on. The board will wait to do the site visit after they have started the formal process.

Informal Discussion 0 Palmer Road (parcel 130-13) - They are under an agreement to purchase the property. The plan is to make the lot viable for a business. The potential buyer is Gabby Nasiatka. 0 Palmer Road (parcel 130-13). There was further discussion but not limited to:

- Potential buyer is under a Purchase and sales agreement
- This is a wood lot next to the American Legion
- There are 2 zones on the property ,what is the is the correct zoning
- There are only 188' of frontage , is it grandfathered
- Question of wetlands or is it seasonal wetlands'

David Beaudoin said that they cannot give a variance for not having the 200' ft of frontage. David Beaudoin also said that the Zoning bylaws were put into place on 1972 and anything prior to 1972 would be grandfathered. David Beaudoin doesn't know if they have the authority to grant a variance but he will look into it.

David Beaudoin said that they have given side variances in the past. The Planning board would have to change the zoning.

David Jarvis suggested that they go in front of the Planning Board for further direction.

David Jarvis motioned to except the Minutes for July 22, 2021, 2nd by Tere Hrynkiw. All in favor 5-0

Signed the bill Schedule for Postal service \$36.74 (encumbered)

Signed the bill Schedule for Turley Publications \$394.01 (encumbered)

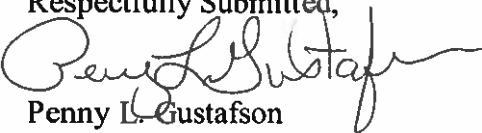
Dave Beaudoin spoke to residents Stephen and Terri Kacoyannakis about how the meetings/process works. Stephen and Terri have a hearing next month and were there to observe.

Next Meeting is September 23<sup>rd</sup>, 2021

Motioned by Theresa Martin to adjourn the meeting 2<sup>nd</sup> by David Jarvis. All in favor 5-0 No Discussion

Meeting adjourned at 7:39pm.

Respectfully Submitted,



Penny L. Gustafson  
Zoning Clerk